

**MEDICAL EXAMINING BOARD
MEETING MINUTES
NOVEMBER 20, 2013**

PRESENT: Kenneth Simons, MD; Greg Collins; Carolyn Ogland, MD; Timothy Westlake, MD; Timothy Swan, MD; Mary Jo Capodice, DO; Jude Genereaux; Rodney Erickson, MD; Suresh Misra, MD; Russell Yale, MD; Gene Musser, MD; and Sridhar Vasudevan, MD

EXCUSED: James Barr

GUEST: Michael Phillips, MD

STAFF: Tom Ryan, Executive Director; Joshua Archiquette, Executive Staff Assistant and other Department staff

CALL TO ORDER

Kenneth Simons, Chair, called the meeting to order at 8:00 a.m. A quorum of twelve (12) was confirmed.

ADOPTION OF AGENDA

- **Under Case Closings all cases labeled MEB should be changed to MED**
- **Under Case Closings 12 MEB 226 should be 12 MED 266**

MOTION: Suresh Misra moved, seconded by Rodney Erickson, to adopt the agenda as amended. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Sridhar Vasudevan moved, seconded by Gene Musser, to approve the minutes of October 16, 2013 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

MOTION: Russell Yale moved, seconded by Greg Collins, to appoint Timothy Westlake, Timothy Swan, Suresh Misra and Rodney Erickson as the Board's liaisons for the Paperless Screening Panel rollout. Motion carried unanimously.

SPEAKING ENGAGEMENTS

MOTION: Timothy Swan moved, seconded by Suresh Misra, to designate Kenneth Simons, M.D., as the Board's representative to speak at the Wisconsin Medical Society's Doctor Day in Madison, Wisconsin on Tuesday, February 12, 2014. Motion carried unanimously.

FSMB MATTERS

MOTION: Sridhar Vasudevan moved, seconded by Rodney Erickson, to apply for consideration as a pilot state for the FSMB's Minimum Data Set Pilot Implementation with the condition of participation that the Board retains the option to reject recommendations the Board deems unacceptable. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

MOTION: Gene Musser moved, seconded by Suresh Misra, to authorize the Chair to approve the Draft for Clearinghouse Rule 13-090 revising Med 1.02 relating to copy of diploma requirement for submission to the Legislature. Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Russell Yale, to authorize the Chair to approve the Legislative Report for Clearinghouse Rule 13-090 revising Med 1.02 relating to copy of diploma requirement for submission to the Legislature. Motion carried unanimously.

SCREENING PANEL REPORT

Greg Collins reported that nineteen (19) cases were opened and four (4) ten-day letters were sent.

CLOSED SESSION

MOTION: Gene Musser moved, seconded by Timothy Swan, to invite Dr. Michael Phillips into Closed Session. Motion carried unanimously.

MOTION: Kenneth Simons moved seconded by Sridhar Vasudevan, to convene to closed session to deliberate on cases following hearing § 19.85 (1) (a), Stats.; consider closing disciplinary investigations with administrative warning § 19.85 (1)(b), Stats., and 448.02(8), Stats., to consider individual histories or disciplinary data § 19.85(1) (f), Stats., and, to confer with legal counsel § 19.85 (1) (g), Stats.). Kenneth Simons, Chair; read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Kenneth Simons – yes; Timothy Swan – yes; Greg Collins – yes; Timothy Westlake – yes; Mary Jo Capodice – yes; Rodney Erickson – yes; Russell Yale – yes; Sridhar Vasudevan – yes; Gene Musser – yes; Suresh Misra – yes; Carolyn Ogland, – yes; and Jude Genereaux – yes. Motion carried unanimously.

The Board convened into Closed Session at 9:30 a.m.

RECONVENE TO OPEN SESSION

MOTION: Suresh Misra moved, seconded by Sridhar Vasudevan, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 12:36 p.m.

PROPOSED DECISIONS AND ORDERS

MOTION: Sridhar Vasudevan moved, seconded by Timothy Westlake, to adopt the proposed Findings of Fact, and vary the Conclusions of Law to reflect that Dr. Aldrich met the standard of care and vary the Order to dismiss the matter and not impose costs as the Board's Final Decision and Order in the matter of disciplinary proceedings against Peri L. Aldrich, M.D., Respondent – DHA Case #SPS-12-0031/DLSC Case #11 MED 123. Motion carried.

MOTION: Sridhar Vasudevan moved, seconded by Suresh Misra, to designate the Chair to review the order with variance, approve and sign on behalf of the Board in the matter of Peri L. Aldrich, M.D., Respondent – DHA Case #SPS-12-0031/DLSC Case #11 MED 123. Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Carolyn Ogland, to adopt the proposed Findings of Fact, Conclusions of Law, and Order of the Administrative Law Judge as the Board's Final Decision and Order in the matter of disciplinary proceedings against Bashir A. Sheikh, M.D., Respondent – DHA Case #SPS-12-0010/DLSC Case #10 MED 201. Motion carried unanimously.

MOTION: Timothy Westlake moved, seconded by Timothy Swan, to adopt all aspects of the Administrative Law Judge's Proposed Decision except as it relates to discipline. The Board rejects the one month suspension as outlined in the Proposed Decision and instead imposes revocation of Dr. Mangold's medical license. The Board concludes that the one month suspension is not sufficient to meet the purposes of discipline – rehabilitation, deterrence and protection of the public – in the matter of disciplinary proceedings against Michael N. Mangold, M.D., Respondent – DHA Case #SPS-13-0027/DLSC Case #12 MED 235. Motion carried unanimously.

Pam Stach and Jude Genereaux recused themselves during deliberation and voting in the above matter

PRESENTATION AND DELIBERATION OF APPLICATION MATTERS

MOTION: Timothy Swan moved, seconded by Timothy Westlake, to find that the training and education of Osayande S. Izeiyamu, MD is not substantially equivalent to the requirements set forth in Wis. Stat. sec. 448.05(2). Motion carried unanimously.

CONTINUED DELIBERATION OF FULL BOARD ORAL EXAM

MOTION: Timothy Westlake moved, seconded by Suresh Misra, to find that Kaukab P. Shah, M.D. failed the Full Board Oral Examination due to his lack of adequate explanation regarding his suspension from his residency program and therefore concerns regarding his competence to practice. Motion carried unanimously.

MOTION: Timothy Westlake moved, seconded by Suresh Misra, to deny the application of Kaukab P. Shah, M.D. for a license to practice medicine and surgery in the State of Wisconsin. Motion carried unanimously.

MONITORING MATTERS

MOTION: Sridhar Vasudevan moved, seconded by Mary Jo Capodice, to grant the request of Jonathan W. Thomas, M.D. for reduction in drug and alcohol screens to fourteen (14) times a year. Motion failed.

MOTION: Timothy Swan moved, seconded by Jude Genereaux, to deny the request of Jonathan W. Thomas, M.D. for reduction in drug and alcohol screens. Motion carried unanimously.

ADMINISTRATIVE WARNINGS

MOTION: Suresh Misra moved, seconded by Russell Yale, to issue an administrative warning in the matter of case number 13 MED 037 (M.A.B.). Motion carried unanimously.

Greg Collins recused himself from voting in the above matter

MOTION: Timothy Westlake moved, seconded by Sridhar Vasudevan, to issue an administrative warning in the matter of case number 13 MED 040 (T.F.O.). Motion carried unanimously.

Timothy Swan recused himself from voting in the above matter

PRESENTATION AND DELIBERATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS

MOTION: Jude Genereaux moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Cully R. White, D.O. (09 MED 223, 11 MED 354, 11 MED 376 AND 13 MED 146). Motion carried unanimously.

Timothy Westlake recused himself from deliberation and voting in the above matter

MOTION: Timothy Westlake moved, seconded by Carolyn Ogland, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Carla Johnson, D.O. (13 MED 108). Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Thomas M Naughton, M.D. (12 MED 356). Motion carried unanimously.

MOTION: Jude Genereaux moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Craig D. Maskil, M.D. (13 MED 070). Motion carried unanimously.

MOTION: Timothy Swan moved, seconded by Timothy Westlake, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against Donald F. Stonefeld (13 MED 082). Motion carried unanimously.

DELIBERATION OF COMPLAINT FOR DETERMINATION OF PROBABLE CAUSE

MOTION: Timothy Swan moved, seconded by Mary Jo Capodice, to find probable cause to believe that Kimberly Hammes Frank, M.D. – Case Number 11 MED 113 – is guilty of unprofessional conduct and therefore issue the Complaint and hold a hearing on such conduct pursuant to Wis. Stat. sec. 448.02(3) (b). Motion carried unanimously.

DELIBERATION OF PETITION FOR MENTAL EXAMINATION

MOTION: Mary Jo Capodice moved, seconded by Suresh Misra, to find that the results of an assessment/examination to determine Respondent's mental health status may be useful to the Board in conducting its investigation of the allegations and in identification of possible rehabilitative needs in the matter of the investigation of Guiditta Angelini, M.D. The Board therefore grants the Petition for a mental examination pursuant to Wis. Stat. sec. 448.02(3)(a) and orders a comprehensive neuropsychological examination to be conducted by a doctorate level, fully credentialed and licensed psychologist or psychiatrist preapproved by the Board. The evaluator shall be nominated to the Board within 90 days of the date of this Order and the evaluation shall be conducted no later than 120 days from the date of this Order. Motion carried unanimously.

MOTION: Suresh Misra moved, seconded by Timothy Westlake, to authorize the Executive Director to sign the order on behalf of the Board in the matter of 11 MED 315. Motion carried unanimously.

CASE CLOSURES

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to close case # 12 MED 266 (K.C.) for IE (Insufficient Evidence). Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to close case # 12 MED 402 (L.W.) for NV (No Violation). Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to close case # 13 MED 051 (T.S.P.) for NV (No Violation). Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to close case # 13 MED 105 (M.T.H.) for NV (No Violation). Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to close case # 13 MED 150 (D.B. & R.A.N.) for NV (No Violation). Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to close case # 13 MED 210 (J.O.) for P7 (Prosecutorial Discretion). Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to close case # 13 MED 236 (C.A.) for P5 (Prosecutorial Discretion with a Flag). Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to close case # 13 MED 268 (H.I.G.) for NV (No Violation). Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to close case # 13 MED 297 (C.L.) for NV (No Violation). Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Greg Collins, to close case # 13 MED 300 (S.K.S.) for NV (No Violation). Motion carried unanimously.

MOTION: Sridhar Vasudevan moved, seconded by Russell Yale, to close case # 13 MED 189 (B.J.B.) for IE (Insufficient Evidence). Motion carried unanimously.

**VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION,
IF VOTING IS APPROPRIATE**

MOTION: Suresh Misra moved, seconded by Gene Musser, to affirm all votes made in closed session. Motion carried unanimously.

ADJOURNMENT

MOTION: Sridhar Vasudevan moved, seconded by Jude Genereaux, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:38 p.m.